IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.717 OF 2003

Vinayak K. Khune .. Appellant
(Original Defendant)

vs.

Prabhakar D. Mohite .. Respondent.
(Original Plaintiff)

Shri I.M.Khairdi, Advocate for the Appellant.

CORAM : A.S.OKA, J.

DATED : 16th March, 2005.

P.C. :

1. Heard Shri Khairdi for the Appellant. The Courts below have accepted that the Respondent was in possession of the suit property on the date of institution of the suit. The trial court passed the decree for personal injunction by protecting the possession of the Respondent which has been confirmed in appeal.

2. The Appellate Court has found that the Respondent was inducted by predecessor in title of the Appellant on the basis of rent note dated 9.6.1971 and there is no evidence on record to

show that thereafter the Respondent was dispossessed by the predecessor of the Appellant by following due process of law. In view of the concurrent findings recorded by the courts below on the basis of appreciation of evidence, no substantial question of law arises. Second is dismissed. No order as to costs.

(A.S.Oka, J.)